IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5715 OF 2005

Shri Shankar Appa Navale ..Petitioner.

Versus

Shri Anna Ganpati Navale & Ors. ..Respondents.

Mr. S.G.Kudle for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 01st SEPTEMBER,2005.

P.C.:

1. Admittedly, the special civil Suit No. 240/ 1995 filed by the petitioner is pending in Appeal before the Court of Civil Judge, Sr. Division, Pandharpur in regard to the specific performance of the contract relating to the suit land. The dispute in this proceeding is also pertains to the possession of the land which according to the petitioner is with him. It is settled position in law that neither title nor the question of right to possession can be decided

by the revenue authorities, by effecting a mutation entry, which is only meant for fiscal purpose. In this view of the matter, the order does not call for any interference. The Civil Court shall decide the Appeal independently.

2. In this view of the matter, Mr. Kudle seeks permission to withdraw. Allowed to withdraw.

DT.01.09.05 (S.A.BOBDE,J)

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